

# EXHIBIT FF

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

NORTHERN DIVISION

- - - - - X

EQUAL EMPLOYMENT OPPORTUNITY :  
COMMISSION,

:

Plaintiff, :  
KATHY C. KOCH, : Case No

Intervenor/Plaintiff, : WDQ-02-CV-648

v. :  
L.A. WEIGHT LOSS CENTERS, INC., :

Defendant. :  
- - - - - X Pages 1-232

DEPOSITION OF JOY FREATHY  
District of Columbia  
Tuesday, February 1, 2005

Reported by: Marijane Simon, RDR

Job No. 165168

<p style="text-align: right;">Page 74</p> <p>1 placed in the area manager position?      2 A. Not qualified.      3 Q. Was there any other candidate,      4 internal or external, who you thought should have      5 been placed in the job other than Kris?      6 A. No, because I wasn't given the      7 opportunity.      8 Q. Are you aware of who -- I'll start      9 over.      10 Are you aware of whether there were      11 other internal candidates for the area manager      12 position that April was given?      13 MR. KIYONAGA: Who were considered?      14 THE WITNESS: Yeah, could you -- I'm      15 sorry.      16 MR. WETCHLER: Sure, sure.      17 BY MR. WETCHLER:      18 Q. Were there any people who you      19 considered to be candidates for the area manager      20 position that April was put in?      21 MR. KIYONAGA: You mean persons who've      22 expressed an interest in the position or persons</p>	<p style="text-align: right;">Page 76</p> <p>1 THE WITNESS: Whether or not they had      2 expressed an interest?      3 MR. WETCHLER: That's right.      4 THE WITNESS: May I clarify my      5 statement?      6 MR. WETCHLER: Sure.      7 THE WITNESS: Okay. There were, I'm      8 sure, quite a few people within the region that      9 were more qualified than both of these women, but      10 I was not given the opportunity to interview other      11 individuals because these two women were forced on      12 me by Vahan.      13 BY MR. WETCHLER:      14 Q. Did you express to anyone at a higher      15 level in the company than you that any particular      16 person should have been put in the job that April      17 was given?      18 A. A particular person?      19 Q. That's right.      20 A. No.      21 Q. Did you express to anyone higher than      22 you in the organization that any particular person</p>
<p style="text-align: right;">Page 75</p> <p>1 who would be qualified for the position?      2 MR. WETCHLER: People Ms. Freathy      3 considered to be candidates for the job for any      4 reason.      5 THE WITNESS: Sitting right here      6 today, not to my recollection.      7 BY MR. WETCHLER:      8 Q. Were there any candidates -- Let me      9 start again. Were there any people who you viewed      10 as candidates for the job of area manager that      11 Kris was put in?      12 MR. KIYONAGA: Let me just ask for      13 clarification. When you say "candidate," what I'm      14 getting -- Do you mean applicants or persons      15 who've expressed interest in a position or persons      16 who had the requisite qualifications who, if they      17 did express interest, they would be candidates?      18 MR. WETCHLER: I mean specifically      19 persons who Ms. Freathy, as the manager for the      20 region, believed should be considered as      21 candidates for the job based upon whatever      22 criteria she chose to apply.</p>	<p style="text-align: right;">Page 77</p> <p>1 should have been placed in the area manager job      2 that Kris was placed in instead of Kris?      3 A. A particular individual?      4 Q. Yes.      5 A. No.      6 Q. Do you have any reason to believe that      7 April was placed in the area manager position      8 because of her gender?      9 A. No.      10 Q. Do you have any reason to believe that      11 Kris was placed in the area manager position      12 because of her gender?      13 A. No.      14 MR. ANDERSON: Objection.      15 Speculation.      16 THE WITNESS: I said no.      17 BY MR. WETCHLER:      18 Q. Did anyone at LA Weight Loss ever      19 instruct you not to hire men?      20 A. Yes.      21 Q. Who did that?      22 A. Eileen Stankunas.</p>

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1 Q. On one or more than one occasion?  
 2 A. Once.  
 3 Q. Do you recall when she instructed you  
 4 that?  
 5 A. In a telephone conversation.  
 6 Q. Do you remember whether the telephone  
 7 conversation was in 1998 or 1999?  
 8 A. I do not remember. Seven years. I  
 9 don't remember.  
 10 Q. Do you know whether anyone was on the  
 11 telephone line other than you and Miss Stankunas  
 12 during this conversation?  
 13 A. Sitting here today, I do not know.  
 14 Q. All right. To the best of your  
 15 recollection, what did Miss Stankunas say to you  
 16 about the hiring of men during that phone  
 17 conversation?  
 18 A. She said that it -- Vahan did not want  
 19 us to hire men out in the field.  
 20 Q. Can you recall anything else that  
 21 Miss Stankunas said to you about the hiring of  
 22 men?

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1 A. When I said, "Do you know that this is  
 2 illegal," she said yes, and that I was not to  
 3 share this with my area managers or anyone who  
 4 worked for me, because Vahan knew that this could  
 5 get him in a whole lot of trouble with the EEOC.  
 6 Q. Did you say anything to Miss Stankunas  
 7 or did Miss Stankunas say anything else to you  
 8 about the hiring of men?  
 9 A. I asked her -- I said: If you really  
 10 wanted me to do this, which I'm not going to do,  
 11 how would I even go about it anyway?  
 12 Q. Mm-hmm.  
 13 A. And she said, when the resumes came  
 14 across, take all the ones that were men, put them  
 15 in a briefcase, and when I left the center,  
 16 destroy them.  
 17 Q. Have you now described to me  
 18 everything you remember that you said to  
 19 Miss Stankunas and she said to you about the  
 20 subject of hiring men?  
 21 A. As I am sitting here right now, that  
 22 is the best of my recollection.

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1 Q. All right. Why don't you take a look  
 2 at paragraph No. 2, Freathy Exhibit No. 2, and  
 3 please tell me when you've completed your review  
 4 of that paragraph.  
 5 A. Okay.  
 6 Q. Does your review of paragraph 2 of  
 7 Freathy Exhibit No. 2 refresh your recollection as  
 8 to anything else that Eileen Stankunas said to you  
 9 or you said to her --  
 10 A. Yes.  
 11 Q. -- about the hiring of men?  
 12 A. I'm sorry. Yes.  
 13 Q. What else do you now recall was said  
 14 about that subject?  
 15 A. That if a man was sent to me for a  
 16 second interview, I was supposed to find a reason  
 17 not to hire him.  
 18 Q. Have you now described everything that  
 19 you can recall that you said to Eileen Stankunas  
 20 and she said to you on the subject of hiring men?  
 21 A. To the best of my recollection.  
 22 Q. Did you follow any of the instructions

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1 that Miss Stankunas gave to you during that  
 2 telephone conversation?  
 3 A. No, I did not.  
 4 Q. Did you discuss Miss Stankunas's  
 5 instructions with anyone who reported to you?  
 6 A. Yes.  
 7 Q. With whom did you discuss them?  
 8 A. Debbie Brye.  
 9 Q. Anyone else?  
 10 A. No.  
 11 Q. Did you tell Debbie Brye that she  
 12 should not hire men?  
 13 A. I did not.  
 14 Q. Okay. Why did you share with Debbie  
 15 Brye your conversation with Miss Stankunas?  
 16 A. Because I was so outraged.  
 17 Q. Did you expect Debbie Brye to follow  
 18 Miss Stankunas's directive not to hire men after  
 19 you shared the conversation with her?  
 20 A. No.  
 21 MR. KIYONAGA: Objection. Assumes she  
 22 gave that directive to Miss Brye.